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October 30, 2001

The Honorable Thomas Ridge
Director, Office of Homeland Security
The White House
Washington, DC 20500

Dear Mr. Ridge:

I am writing to request your urgent assistance in untangling and upgrading the security and emergency preparedness and response plan for the transportation and storage of liquid natural gas (LNG) at the Distrigas LNG facility in my district in Everett, MA. I believe that your office's leadership is critical to resolving each federal, state and local agency's roles in preparing for and responding to a terrorist attack on the facility.

Under normal circumstances, LNG can quickly and harmlessly vaporize when exposed to air, thus reducing its value as a terrorist target. However, it is also highly flammable under some circumstances, and its ignition could result in significant loss of life and property.

In 1979, I authored the Pipeline Safety Act which for the first time gave the Transportation Department clear regulatory authority over pipeline transportation and storage of hazardous liquids, and strengthened the government's ability to set and enforce liquefied petroleum gas (LPG) and LNG pipeline safety standards. Nevertheless, following the September 11 attacks, there has been much confusion surrounding who is in charge of safety and security at the Everett facility, leading me to send a series of questions to the Secretary of Transportation on September 26. On that same day, the United States Coast Guard (USCG) issued an order (since lifted) denying entry to a LNG carrier because it did not feel it could respond adequately to a terrorist attack on it. I have attached my letter, as well as the October 26 DOT response to that letter, for your review.

While I am certain that all Federal, State and local agencies working on this matter are making every effort to ensure the safety of the LNG shipments, the myriad overlapping federal, state and local responsibilities in this case need to be sorted out so that Everett and the surrounding communities can have confidence that any terrorist threat can be prepared for and responded to firmly and forcefully. Specifically, I am concerned that:

- The jurisdictional tangle at the federal level remains a serious impediment to effective leadership in a crisis. For example, DOT appears to assume responsibility for the marine shipping and docking of the LNG through the Coast Guard and for the overall safety and security of the land-based facility through the Office of Pipeline Safety. DOE, however, appears to be undertaking security planning functions not contemplated by its assigned role related to storage and siting of LNG facilities. Meanwhile, the Everett Police and Fire Departments have been left with the lead role in responding to onshore response to an accident or attack. I believe that increased coordination between these agencies might be necessary.
- While the Unified Command (consisting of multiple Federal, State and local agencies), under the leadership of the Coast Guard, is responsible for preparing for and responding to an accident at or attack on a shipment of LNG as it arrives in port, the Everett Fire and Police Departments, which have considerably fewer resources to draw upon, have primary responsibility for onshore response to such an incident. While the Coast Guard can muster 100 reservists and special equipment on days when a ship arrives, the City of Everett has no such authority for all the other days that a ship is absent. I am concerned that our response to the occasional danger posed by the arrival of a ship is disproportional to our response to the routine, every-day danger posed by the onshore facilities themselves.
- Personnel employed by Distrigas or by entities involved in LNG shipping activities are not required to undergo background checks to determine that they do not pose a safety or security risk. I believe this is a soft spot in our defenses that invites the kind of attack that would be aided by an insider.

I believe that the Office of Homeland Security can, and in fact, must, play an important role in ensuring that all Federal, State and local agencies are well coordinated, well prepared and well equipped to assume their respective security and emergency response roles. Consequently, I ask that you review the correspondence I have attached, and work with the involved parties to ensure those LNG shipments, transportation and storage are safe. I also ask that you provide specific answers to the following questions:

1) Currently the Unified Command (UC) protecting the Boston Harbor includes over one hundred reservists, including a full Port Security Unit (PSU), who were mobilized after the events of September 11th. This assemblage of support reflects the lead role played by the Coast Guard in the Unified Command. However, once we move onshore, the Coast Guard loses jurisdiction and authority. As things stand, only the Everett Police and Fire Departments have the responsibility for protection of the Distrigas facility itself. What federal agency should be designated as the "lead agency" with respect to the safety and security of the land-based facility? I believe that, in light of the Pipeline Safety Act of 1979 that gave the Department of Transportation clear regulatory authority

over pipeline transportation and storage of hazardous liquids, DOT should have that role. If not, why not? What steps will your office take to clarify which federal agency has the responsibility for land-based security at Everett?

2) The Coast Guard has repeatedly described their current operations as resource intensive and dependent on the presence of the currently mobilized reservists. How can we ensure the continued safety of the Boston Harbor when these units are demobilized?

3) Most of the attention has been focused on attacks of the LNG tankers with the usual scenario involving the rupture of a single tank. Comparatively little consideration seems to be given the protection of the onshore tanks, which are larger (25 million gallons compared to a single tanker tank of 7 million gallons). If the Coast Guard is concerned about protecting 7 million gallons in a tanker if it loses the assistance from 100 reservists, you can imagine how concerned the Everett Police and Fire Departments have become about their ongoing responsibilities for 25 million gallons sitting in tanks without reserve support. What federal, state or private sector resources should be authorized to ensure that the protection of this facility is not left primarily to overworked local fire and police units?

4) What steps will be taken to ensure that all employees engaged in activities related to the transportation and storage of LNG do not themselves pose a security risk?

Your prompt attention to this matter would be most appreciated. Thank you.

Sincerely,

Edward J. Markey
Member of Congress

Cc: The Hon. Norman Mineta
Secretary
Department of Transportation
400 Seventh Street S.W.
Washington, DC 20590

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enclosures